IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 14154 of 2005

Between:

A.S. Rao, S/o. Papaiah,
R/o. C/o. 13-3-97, Ashok Nagar Colony, Badrachalam, Khammam District.

..... PETITIONER

AND

1. The Regional Manager, APSRTC. Khammam Region, Khammam District
2. The Divisional Manager APSRTC., Khammam Division, Khammam District.
3. The Depot Manager APSRTC., Badrachalam Bus Depot, Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the proceedings No. 01/2(25)/98-BCM, dated 18-5-1999 as illegal, arbitrary and unjust and consequently set aside the proceedings No. 01/2(25)/98-BCM, dated 18-5-1999 issued by the 3rd respondent.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: SMT.P.RAJANI REDDY

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner praying for the issue of writ of Mandamus declaring the proceedings of the third respondent dated 18.05.1999 as illegal and without jurisdiction and to set aside the same.

According to the petitioner, he was charge sheeted by the third respondent and he was called upon to submit his explanation. The petitioner accordingly submitted his explanation. Thereafter, the third respondent, if he is not satisfied with said explanation, instead of conducting regular departmental enquiry, imposed punishment of withholding two annual increments with cumulative effect, in addition to recovery of a sum of Rs.1,000/- in ten equal instalments. According to the petitioner, the said punishment imposed is a major punishment and the same cannot be imposed, unless a regular departmental enquiry is conducted by the respondents. Therefore, he sought for setting aside the impugned order.

The learned Standing Counsel appearing for the respondents however contended that the order was passed as early as in the year 1999 and the petitioner has now come up with the present writ petition after lapse of six years. Therefore, there is no justification warranting interference.

Heard both sides and considered the material on record.

Prima facie, the impugned order is illegal and unsustainable. However, as the petitioner approached this Court after lapse of six years, this Court inclines to modify the order of the disciplinary authority, the third respondent herein, to that of withholding annual increments for a period of two years without cumulative effect. However, it is made clear that with reference to the said modification, the petitioner is not entitled to any monetary benefit prior to filing of the writ petition and it is only from the date of the order, he is entitled for all the benefits that are available as a result of this order.

The writ petition is accordingly disposed of. No costs.

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01.07.2005

VGB

To

1. The Regional Manager, APSRTC. Khammam Region, Khammam District
2. The Divisional Manager APSRTC., Khammam Division, Khammam District.
3. The Depot Manager APSRTC., Badrachalam Bus Depot, Khammam District.
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